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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re

CRESTLLOYD, LLC,

Debtor and Debtor-in-Possession

Chapter No.: 11

Case No.: 2:21-bk-18205-DS

**EVIDENTIARY OBJECTIONS TO
DECLARATION OF NILE MIAMI IN
SUPPORT OF OBJECTION TO DEBTOR'S
MOTION FOR AN ORDER: (1)
APPROVING THE SALE OF DEBTOR'S
REAL PROPERTY FREE AND CLEAR OF
ALL LIENS, CLAIMS, ENCUMBRANCES,
AND INTERESTS, WITH THE EXCEPTION
OF ENUMERATED EXCLUSIONS; (2)
FINDING THAT THE BUYER IS A GOOD
FAITH PURCHASER; (3) AUTHORIZING
AND APPROVING THE PAYMENT OF
CERTAIN CLAIMS FROM SALE
PROCEEDS; (4) WAIVING THE
FOURTEEN-DAY STAY PERIOD SET
FORTH IN BANKRUPTCY RULE 6004(h);
AND (5) PROVIDING RELATED RELIEF;
DECLARATION OF NILE MIAMI IN
SUPPORT THEREOF**

Date: March 18, 2022
Time: 11:00 a.m.
Place: 255 E. Temple Street
Los Angeles, CA 90012
VIA ZOOMGOV ONLY

1 Crestlloyd, LLC (the “Debtor”), hereby files its evidentiary objections to portions of the
2 “*Declaration of Nile Niami*” (the “Niami Declaration”) filed in support of the “*Objection of Nile*
3 *Niami to Debtor’s Motion for an Order: (1) Approving the Sale of the Debtor’s Real Property*
4 *Free and Clear of All Liens, Claims, Encumbrances and Interests, with the Exception of*
5 *Enumerated Exclusions; (2) Finding that the Buyer is a Good Faith Purchaser; (3) Authorizing*
6 *and Approving the Payment of Certain Claims from Sale Proceeds; (4) Waiving the Fourteen-*
7 *Day Stay Period Set Forth in Bankruptcy Rule 6004(h); and (5) Providing Related Relief*” (the
8 “Objection”) as follows:

9 As an initial matter, most of the statements in the Niami Declaration are not relevant
10 because, among other reasons, the Motion is regarding whether a proposed sale of the Debtor’s
11 Property can be sold free and clear of all liens, claims, encumbrances and interests, that the
12 Buyer is a good faith purchaser, whether the Debtor is authorized to distribute the sale proceeds
13 in order to pay certain claims. The statements regarding an almost three-year old appraisal is not
14 relevant.

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| | Paragraph # (Page: Line) | Statement | Objection | |
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| 4 | 1 | ¶ 2 (9: 3) “I retained Cushman & Wakefield to prepare an appraisal of the Property.” | FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion. | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| 9 | 2 | Exhibit A | FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion. FRE 602 Lack of Personal Knowledge FRE 602 Lack of Foundation FRE 602 Calls for Speculation FRE 701 Improper Lay Witness Testimony FRE 802 Hearsay Not Subject to Any Exception. If the Declarant is relying on what was told to him by another individual or source to support the factual allegations in the paragraph, his testimony related thereto would be inadmissible hearsay. <i>See Caddie Const. Co., Inc.</i> , 125 | <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled |
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| | | | B.R. 674, 678 (Bankr. M.D. Fla. 1991). | |
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Dated: March 16, 2022

LEVENE, NEALE, BENDER, YOO
& GOLUBCHIK L.L.P.

By: /s/ Todd M. Arnold
DAVID B. GOLUBCHIK
TODD M. ARNOLD
JONATHAN D. GOTTLIEB
LEVENE, NEALE, BENDER,
YOO & GOLUBCHIK L.L.P.
Attorneys for Crestlloyd, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **EVIDENTIARY OBJECTIONS TO DECLARATION IN SUPPORT OF OPPOSITION OF SECURED CREDITOR INFERNO INVESTMENT, INC. TO DEBTOR'S MOTION FOR AN ORDER: (1) APPROVING THE SALE OF THE DEBTOR'S REAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES, AND INTERESTS, WITH THE EXCEPTION OF ENUMERATED EXCLUSIONS; (2) FINDING THAT THE BUYER IS A GOOD FAITH PURCHASER; (3) AUTHORIZING AND APPROVING THE PAYMENT OF CERTAIN CLAIMS FROM SALE PROCEEDS; (4) WAIVING THE FOURTEEN-DAY STAY PERIOD SET FORTH IN BANKRUPTCY RULE 6004(h); AND (5) PROVIDING RELATED RELIEF** be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 16, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Todd M Arnold tma@lnbyg.com
- Jerrold L Bregman jlbregman@bg.law, ecf@bg.law
- Marguerite Lee DeVoll mdevoll@watttieder.com, zabrams@watttieder.com
- Danielle R Gabai dgabai@danninggill.com, dgabai@ecf.courtdrive.com
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- Lindsey L Smith lls@lnbyb.com, lls@ecf.inforuptcy.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

- Genevieve G Weiner gweiner@sidley.com, laefilingnotice@sidley.com;genevieve-weiner-0813@ecf.pacerpro.com
- Jessica Wellington jwellington@bg.law, ecf@bg.law

2. SERVED BY UNITED STATES MAIL: On **March 16, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 16, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

None.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 16, 2022

Stephanie Reichert

/s/ Stephanie Reichert

Date

Type Name

Signature